

STATE OF TENNESSEE

PUBLIC CHAPTER NO. 241

SENATE BILL NO. 388

By Gresham, Overbey

Substituted for: House Bill No. 522

By Rich, Shipley, Faulkner, Watson, Ramsey, Roach, Ford, Hensley, Dennis

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 16, Part 6, relative to the offense of escape.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-16-605, is amended by deleting subsection (b), adding the following new subsections, and redesignating accordingly:

(b)(1) A person commits the offense of escape who is in the lawful custody of a law enforcement officer and knowingly escapes such custody.

(2) As used in this section, "lawful custody" means a person has been taken, seized or detained by a law enforcement officer either by handcuffing, restraining or any other method by which a reasonable person would believe places such person in custody and which otherwise deprives the person's freedom of action in a significant way.

(c)(1) A violation of subsection (a) is:

(A) A Class A misdemeanor if the person was being held for a misdemeanor or civil offense; and

(B) A Class E felony if the person was being held for a felony.

(2) A violation of subsection (b) is a Class A misdemeanor.

SECTION 3. This act shall take effect July 1, 2009, the public welfare requiring it.

PASSED: May 7, 2009



RON RAMSEY
SPEAKER OF THE SENATE



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 20th day of May 2009



PHIL BREDESEN, GOVERNOR